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Ohio Valley 2-Way Radio, Inc.

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October 4, 2002

The Honorable Ron Lewis
2418 Rayburn House Office Building
Washington, DC 20515-1702

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Re: Improving Public Safety Communications in the 800 MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels WT Docket No. **02-55** at the Federal Communications Commission

Dear Representative Lewis:

In each industry there **are** defining moments, benchmarks that can be critical to the progression or regression of an industry. That time has come for the private wireless industry. Last year, Nextel submitted a White Paper to the Federal Communications Commission (Commission) to realign the 700 MHz, 800 MHz, 900 MHz, and 2.1 GHz bands to promote public safety communications.¹ The ultimate goal, we agree is noble, especially in light of the events of September 11th and is of the utmost importance to **our** nation's homeland security. The promotion of public safety communications, however, should not come at the cost of America's business sector when better solutions to the problem exist.

On March 12, 2002, the Commission released a **Notice of Proposed Rulemaking** (NPRM) incorporating the goals of the Nextel White Paper of promoting public safety communications and mitigating interference to public safety operations? Since the release of the NPRM, nine private **wireless** organizations, seven public safety organizations, and Nextel have come together and crafted **an** industry-wide Consensus Plan that **achieves** the Commission's goals with the least amount of disruptions to all entities involved in the 800 MHz band? The signatories **of** the Consensus Plan represent every type **of** licensee operating in the 800 MHz band and either they, or their members hold over 80% **of** the impacted **spectrum** at 800 MHz. The Industrial

¹ See, "Promoting Public Safety Communications: Realigning the **800** MHz Land Mobile **Radio** Band to Rectify Commercial Mobile Radio – Public Safety Interference and Allocate Additional **Spectrum** to Meet Critical Public Safety Needs," filed by Nextel Communications, Inc., on November 21, 2001 (White Paper).

² See, Improving Public Safety Communications in the **800** MHz Band and Consolidating the 900 MHz Industrial/Land Transportation and Business Pool Channels **Notice of Proposed Rulemaking**, WT Docket No. **02-55** (rel. Mar. 15 2002) (NPRM).

³ See Improving Public Safety Communications in the **800** MHz Band and Consolidating the **900** MHz Industrial/Land Transportation and Business Pool Channels, Reply Comments of Aeronautical Radio, Inc. (ARINC); The American Mobile Telecommunications Association (AMTA); The American Petroleum Institute (API); The Association of American Railroads (**AAR**); The Association of Public-Safety Communications Officials-International, Inc. (**APCO**); The Forest Industries Telecommunications (FIT); **The** Industrial Telecommunications Association, Inc. (ITA); The International Association of Chiefs of Police (IACP); **The** International Association of Fire Chiefs (IAFC) and International Municipal Signal Association (IMSA); The Major Cities Chiefs Association (MCC); **The** Major County Sheriffs' Association (MCSA); The National Sheriffs' Association (NSA); Nextel Communications, Inc.; The Personal Communications Industry Association (PCIA); **The** Taxicab, Limousine and Paratransit Association (TLPA) filed on August 7, 2002, WT Docket No. **02-55** (Consensus Plan); See letter to Chairman Powell from the National Sand, Stone and Gravel Association (NSSGA) and ITA, officially adding NSSGA to the list of signatories, (rel. Aug. 15, 2002).

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Telecommunications Association, Inc., through the auspices of the Private Wireless Coalition, **has** represented our interests.

I **am** a provider of private wireless communications equipment here in Owensboro, Kentucky and a licensee in the 800 MHz band making **this** issue of great importance **to** me **as** well **as** my customers and their employees. Private, **internal** communication is not the **nature** of many businesses, but it is crucial to operations. The ability to communicate effectively and efficiently not only leads to the continued vitality of many businesses, but **also** the continued safety of employees. I **am** fully aware of all the possible outcomes of **this** proceeding and **know** any final result could be **time** consuming and disruptive. In our opinion, the Consensus Plan is the best way to minimize disruptions for all licensees in the **800** MHz band without any wholesale evictions of any one group of **users** in the band to foreign spectrum, while still meeting the objective of this proceeding – promoting public **safety** communications.

We **ask** for your support in the form of **a** letter **to** the Commission that would support the adoption of the Consensus Plan. We understand public safety entities being the priority of **this** proceeding and the Consensus Plan finally balances the delicate effects of **this** proceeding, after the downturn in the economy, with public safety's critical needs. Simply put, the Consensus Plan will mitigate interference to public safety at **800** MHz, without sacrificing the success of businesses. The current proceeding at the Commission regarding public safety interference in the 800 MHz band **has** the potential to be another hurdle overcome by American businesses or it **has** the potential to be a detriment to the strength and growth of the national economy. Please promote both the public safety community and the business sector by supporting the adoption of the Consensus Plan at 800 MHz.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry G. Brown". The signature is fluid and cursive, with the first name "Larry" and last name "Brown" clearly distinguishable.

Larry G. Brown

President

Ohio Valley 2-Way Radio